

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JOSHUA D. LAMBERT,

Plaintiff,

v.

XLOMARA HUERTAS, et. al.,

Defendants.

CASE NO. 3:19-cv-05980-RJB-JRC

ORDER ADOPTING REPORT AND  
RECOMMENDATION

This matter comes before the Court on the Report and Recommendation of Magistrate Judge J. Richard Creatura. Dkt. 127. The Court has considered the Report and Recommendation and remaining record; no objections to the Report and Recommendation were filed. The Court does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation (Dkt. 127).
- (2) The Washington State Hospital (“WSH”) defendants’ motion to dismiss (Dkt. 100); the Department of Corrections (“DOC”) defendants’ motion for summary judgment (Dkt. 58); and the WSH defendants’ motion for summary judgment (Dkt. 115) are denied without prejudice, subject to refiling based on the allegations contained in the second amended complaint
- (3) The case is re-referred to Magistrate Judge J. Richard Creatura.
- (4) The Clerk is directed to send copies of this Order to Plaintiff, counsel for Defendants, and to the Hon. J. Richard Creatura.

Robert Bryan

ROBERT J. BRYAN  
United States District Judge